

108TH CONGRESS  
2D SESSION

# H. R. 4246

To amend the Defense Base Closure and Realignment Act of 1990 to specify the criteria to be used by the Secretary of Defense in making recommendations in 2005 for the closure or realignment of military installations inside the United States under such Act.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2004

Mrs. WILSON of New Mexico introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend the Defense Base Closure and Realignment Act of 1990 to specify the criteria to be used by the Secretary of Defense in making recommendations in 2005 for the closure or realignment of military installations inside the United States under such Act.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “2005 BRAC Selection  
5 Criteria Act”.

1 **SEC. 2. SPECIFICATION OF 2005 BRAC FINAL SELECTION**

2 **CRITERIA.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) Title XXX of the National Defense Author-  
5 ization Act for Fiscal Year 2002 (Public Law 107–  
6 107; 115 Stat. 1342) amended the Defense Base  
7 Closure and Realignment Act of 1990 (part A of  
8 title XXIX of Public Law 101–510; 10 U.S.C. 2687  
9 note) to authorize the Secretary of Defense to con-  
10 duct a round of base realignments and closures in  
11 2005.

12 (2) In section 2822 of the National Defense  
13 Authorization Act for Fiscal Year 2004 (Public Law  
14 108–136; 117 Stat. 1726), approved November 24,  
15 2003, Congress required the Secretary of Defense to  
16 assess the probable threats to national security and  
17 determine the potential, prudent, surge requirements  
18 for the Armed Forces and military installations to  
19 meet those threats. Such section specifically requires  
20 the Secretary of Defense to use the determination of  
21 surge requirements in exercising the authority of the  
22 Secretary to conduct the 2005 round of base realign-  
23 ments and closures.

24 (3) Section 2913 of the Defense Base Closure  
25 and Realignment Act of 1990, as added by title  
26 XXX of the National Defense Authorization Act for

1 Fiscal Year 2002, specified the process by which the  
2 Secretary of Defense was to prepare the criteria to  
3 be used by the Secretary in making recommenda-  
4 tions for the 2005 round of base realignments and  
5 closures and listed certain requirements the Sec-  
6 retary had to comply with as part of the process, in-  
7 cluding the advance publication of the proposed cri-  
8 teria and the solicitation and consideration of public  
9 comments.

10 (4) In subsection (e) of such section, Congress  
11 required the Secretary of Defense to publish in the  
12 Federal Register and transmit to Congress not later  
13 than February 16, 2004, the final criteria intended  
14 to be used by the Secretary in making recommenda-  
15 tions for the 2005 round of base realignments and  
16 closures. Pursuant to such subsection, the Secretary  
17 of Defense published the final selection criteria in  
18 the Federal Register on February 12, 2004 (69 Fed.  
19 Reg. 6948).

20 (5) In addition to specifically reserving its right  
21 to disapprove the final selection criteria, Congress  
22 may modify or otherwise amend the criteria by Act  
23 of Congress.

24 (b) CONGRESSIONAL SPECIFICATION OF FINAL  
25 BRAC SELECTION CRITERIA.—Section 2913 of the De-

1 fense Base Closure and Realignment Act of 1990 (part  
2 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687  
3 note), as added by section 3002 of the National Defense  
4 Authorization Act for Fiscal Year 2002 (Public Law 107–  
5 107; 115 Stat. 1344), is amended to read as follows:

6 **“SEC. 2913. FINAL SELECTION CRITERIA FOR 2005 ROUND.**

7       “(a) FINAL SELECTION CRITERIA.—The final cri-  
8 teria to be used by the Secretary in making recommenda-  
9 tions for the closure or realignment of military installa-  
10 tions inside the United States under this part in 2005 are  
11 as follows:

12               “(1) The current and future mission require-  
13 ments and the impact on operational readiness of  
14 the total force of the Department of Defense, includ-  
15 ing the impact on joint warfighting, training, readi-  
16 ness, and research, development, test, and evaluation  
17 of weapons systems and equipment.

18               “(2) The availability and condition of land, fa-  
19 cilities, infrastructure, and associated air and water  
20 space (including preservation of training areas suit-  
21 able for maneuver by ground, naval, or air forces  
22 throughout a diversity of climate and terrain areas,  
23 the preservation of testing ranges able to accommo-  
24 date current or future military weapons systems and  
25 equipment, and the preservation of staging areas for

1 the use of the Armed Forces in homeland defense  
2 missions) at both existing and potential receiving lo-  
3 cations.

4 “(3) The ability to accommodate contingency,  
5 mobilization, and future total force requirements at  
6 both existing and potential receiving locations to  
7 support operations, training, maintenance, and re-  
8 pair.

9 “(4) Preservation of land, air, and water space,  
10 facilities, and infrastructure necessary to support  
11 training and operations of military forces determined  
12 to be surge requirements by the Secretary of De-  
13 fense, as required by section 2822 of the National  
14 Defense Authorization Act for Fiscal Year 2004  
15 (Public Law 108–136; 117 Stat. 1726).

16 “(5) The extent and timing of potential costs  
17 and savings of base realignment and closure actions  
18 on the entire Federal budget, as well as the Depart-  
19 ment of Defense, including the number of years, be-  
20 ginning with the date of completion of the closure or  
21 realignment, for the savings to exceed the costs.  
22 Costs shall include those costs related to potential  
23 environmental restoration, waste management, and  
24 environmental compliance activities.

1           “(6) The economic impact on existing commu-  
2           nities in the vicinity of military installations.

3           “(7) The ability of the infrastructure of both  
4           existing and potential receiving communities to sup-  
5           port forces, missions, and personnel, including qual-  
6           ity of living standards for members of the Armed  
7           Forces and their dependents.

8           “(8) The environmental impact on receiving lo-  
9           cations.

10          “(b) PRIORITY GIVEN TO MILITARY VALUE.—In rec-  
11          ommending military installations for closure or realign-  
12          ment, the Secretary shall give priority consideration to the  
13          first four criteria specified in subsection (a).

14          “(c) RELATION TO OTHER 2005 ROUND MATE-  
15          RIALS.—The final selection criteria specified in subsection  
16          (a) shall be the only criteria to be used, along with the  
17          force-structure plan and infrastructure inventory referred  
18          to in section 2912, in making recommendations for the  
19          closure or realignment of military installations inside the  
20          United States under this part in 2005.

21          “(d) RELATION TO CRITERIA FOR EARLIER  
22          ROUNDS.—Section 2903(b), and the selection criteria pre-  
23          pared under such section, shall not apply with respect to  
24          the process of making recommendations for the closure or  
25          realignment of military installations in 2005.”.

1       (c) CONFORMING AMENDMENTS.—The Defense Base  
2 Closure and Realignment Act of 1990 is amended—

3           (1) in section 2912(c)(1)(A), by striking “cri-  
4       teria prepared under section 2913” and inserting  
5       “criteria specified in section 2913”; and

6           (2) in section 2914(a), by striking “criteria pre-  
7       pared by the Secretary under section 2913” and in-  
8       serting “criteria specified in section 2913”.

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